

**CONSTITUTION (LEGISLATIVE COUNCIL) FURTHER
AMENDMENT ACT 1991 No. 61**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Constitution Act 1902 No. 32
4. Amendment of Constitution and Parliamentary Electorates and Elections (Amendment) Act 1978 No. 75
5. Transitional provisions relating to the President of the Legislative Council etc.

SCHEDULE 1—AMENDMENT OF CONSTITUTION ACT 1902

**CONSTITUTION (LEGISLATIVE COUNCIL) FURTHER
AMENDMENT ACT 1991 No. 61**

NEW SOUTH WALES



Act No. 61, 1991

An Act to amend the Constitution Act 1902 in relation to the office of President of the Legislative Council and the quorum for meetings of the Legislative Council. [Assented to 13 December 1991]

Constitution (Legislative Council) Further Amendment 1991

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Constitution (Legislative Council) Further Amendment Act 1991.

Commencement

2. This Act commences on the day after the date of assent to this Act.

Amendment of Constitution Act 1902 No. 32

3. The Constitution Act 1902 is amended as set out in Schedule 1.

Amendment of Constitution and Parliamentary Electorates and Elections (Amendment) Act 1978 No. 75

4. The Constitution and Parliamentary Electorates and Elections (Amendment) Act 1978 is amended by omitting clauses 10 and 11 of Schedule 4 (Procedure for electing President etc.).

Transitional provisions relating to the President of the Legislative Council etc.

5. (1) Paragraph (a) of section 22G (1) of the Constitution Act 1902 (as inserted by Schedule 1 (1) (a)) does not apply until after the return of the writ for the first periodic Council election held after the date of assent to this Act. It extends, however, to any person holding office as President of the Legislative Council on the return of that writ.

(2) Any provision of the Standing Rules and Orders of the Legislative Council in force at the commencement of this Act ceases to have effect to the extent to which it is inconsistent with any amendment made by this Act.

SCHEDULE 1—AMENDMENT OF CONSTITUTION ACT 1902

(Sec. 3)

(1) Section 22G (**President**):

(a) Omit section 22G (1), insert instead:

(1) A person shall be chosen to be President of the Legislative Council:

Constitution (Legislative Council) Further Amendment 1991

SCHEDULE 1—AMENDMENT OF CONSTITUTION ACT 1902—
continued

- (a) before the Legislative Council proceeds to the dispatch of any other business at its first meeting following a periodic Council election; and
 - (b) at any other time when the office of President of the Legislative Council becomes vacant.
- (b) In section 22G (2), after “cease to hold office as President of the Legislative Council”, insert “immediately before the Legislative Council assembles for the dispatch of business at its first meeting following a periodic Council election, and shall also cease to hold that office”.
- (c) After section 22G (2), insert:
- (2A) Until Standing Rules and Orders of the Legislative Council otherwise provide, the President of the Legislative Council shall be chosen in accordance with the procedure for the time being for choosing the President of the Senate of the Parliament of the Commonwealth.
- (2) Section 22H:
- Omit the section, insert instead:
- Quorum**
- 22H. The presence of at least 8 Members of the Legislative Council (in addition to the President or other Member presiding) shall be necessary to constitute a meeting of the Legislative Council for the dispatch of business.

*[Minister’s second reading speech made in—
Legislative Assembly on 26 September 1991
Legislative Council on 21 August 1991]*